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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/768,981	01/31/2004	Joseph J. Mazzilli	234RK001	4527
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LAW OFFICE OF RICHARD B. KLAR				
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MINEOLA, NY 11501				
EXAMINER				
PHAN, THANH S				
ART UNIT		PAPER NUMBER		
2833				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/768,981

**Applicant(s)**

MAZZILLI ET AL.

**Examiner**

THANH S. PHAN

**Art Unit**

2833

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 6-8, 10-12, 17-20 and 22-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Treyz et al. [US 6,678,215].

Regarding claim 1, Treyz et al. disclose a personalized alarm clock [12] for awakening a user to his or her selected favorite video or audio footage, comprising: an alarm clock [12]; a display [114] housed within said alarm clock; and one or more speakers [not explicitly numbered] housed within said alarm clock; said alarm clock is adapted to receive a removable-physically attachable video/audio data source stored in solid state memory [column 1, lines 47-50] having a user's favorite personalized video footage [abstract, line 6] video footage with audio, and/or audio information stored thereon, said removable video/audio data source attaches to said alarm clock to input/store the user's favorite video footage with audio in said alarm clock to be played

on said display and/or emitted through said one or more speakers [column 8, line 63 – column 9, line 7].

Regarding claims 6 and 17, Treyz et al. disclose that the alarm device [12] is capable of receiving and transmitting data over a network [Detail Description of the Preferred Embodiment], but do not explicitly mentioning that the device comprising one or more input ports. It is an inherent feature that the alarm device comprises input and/or output ports to perform the transceiving functions.

Regarding claims 7, 8, 18 and 19, Treyz et al. disclose that the alarm device is capable of interfacing with a remote device to provides audio and/or image data [abstract].

Regarding claim 10, Treyz et al. disclose that the content may be played when an alarm goes off [column 9, lines 24-26].

Regarding claims 11 and 20, Treyz et al. disclose that the alarm device is capable of comprising a CD player and a radio [column 9, lines 24-34].

Regarding claim 12, Treyz et al. disclose a personalized alarm clock [12] for awakening a user to his or her selected favorite video or audio footage, comprising: a housing [not explicitly numbered]; a removable video/audio data source stored in solid state memory which physically connects to a video/audio data access area positioned within said housing [CD player integrated into the alarm clock; column 9, lines 24-34], said removable video/audio data source having user's favorite video footage, video footage with audio stored thereon; a control unit [58] positioned within said housing, said control unit is operatively connected to said video/audio data source [figure 4]; a

display [64] positioned within said housing, said display is operatively connected to said control unit [figure 4]; one or more speakers [60] positioned within said housing, said one or more speakers is operative connected to said control unit [figure 4]; a plurality of alarm/time setting members [buttons of user interface 66 whose functionalities are associated] for setting the current time of the alarm clock and for programming the control unit to store the current time, said plurality of alarm/time setting members positioned within said housing, said plurality of alarm/time setting members causes the control unit to display the current time on the display; a plurality of alarm control members [buttons of user interface 66 whose functionalities are associated] positioned within said housing, said plurality of alarm control members program an alarm mode or modes such as a video/alarm mode into the control unit; and whereby when said control unit determines that the preset alarm time has arrived and that the video/audio alarm mode has been selected, the control unit will read said selected favorite video footage, video footage with audio and/or audio footage information stored on said video/audio data source and have this information stored on said video/audio data source and have this information played on said display and/or emitted through said one or more speakers, depending upon whether the information is video footage, video footage with audio, and/or audio information [as illustrates in figure 17 and describes in the specification, the user is able to select and/or record audio and/or video if the device having a display].

Regarding claims 22 and 23, Treyz et al. disclose the claimed invention and further disclose that the alarm device can be remotely adjust the settings [abstract].

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 3, 13, 14, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Treyz et al. in view of Wilska et al. [US 6,427,078].

Regarding claims 2, 3, 13, 14, 24 and 25, Treyz et al. disclose the claimed invention except for that the device comprising a PCMCIA card slot located within, wherein said card contain video/audio data source.

Wilska et al. disclose a device having alarm clock functions [fig. 2; column 3, lines 22-65] comprising a PCMCIA card [15] and PCMCIA card slot [16] located within.

Since Treyz et al. and Wilska et al. are both from the same field of endeavor, the purpose disclosed by Wilska et al. would have been recognized in the pertinent art of Treyz et al.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate the PCMCIA card of Wilska et al. with the device of Treyz et al. for the purpose of providing additional data and improving data processing.

Regarding claim 21, Treyz et al. disclose the claimed invention except for wherein the alarm device comprises a camera.

Wilska et al. disclose a device having alarm capability comprises a camera [15a] wherein the images can be displayed on a screen [9].

Since Treyz et al. and Wilska et al. are both from the same field of endeavor, the purpose disclosed by Wilska et al. would have been recognized in the pertinent art of Treyz et al.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to use incorporate the camera of Wilska et al. with Treyz et al. to facilitate images capturing and displaying.

5. Claims 4, 5, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Treyz et al.

Regarding claims 4, 5, 15 and 16, Treyz et al. disclose that the display device have the capability of display video except for explicitly specifying it is a color liquid display which has a backlit display with brightness control for easy viewing.

It was commonly known to those of ordinary skill in the art that both the concept and the advantages of providing for displays which include a color liquid display which has a backlit are well known and expected in the art.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to use a color liquid display which has a backlit with brightness control for the purpose of personalizing viewing references.

***Response to Arguments***

6. Applicant's arguments filed 05/15/07 have been fully considered but they are not persuasive. The examiner agrees with the applicant that a compact disc is not a solid state memory as defined by the given definition. However, the claimed invention is anticipated by the Treyz reference since Treyz teaches that solid state memory may be used as recites in column 1, lines 47-50. Treyz teaches that a user may customize the content of the message or subscribe to a content service as recites in the abstract, therefore Treyz also read on the "personalized" limitation. Since Treyz contemplates the use of solid storage elements, the combinations of Treyz and Wilska deem proper.

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to THANH S. PHAN whose telephone number is (571)272-2109. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Renee Luebke can be reached on 571-272-2009. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2833

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thanh S. Phan  
AU 2833

***/Truc T. T. Nguyen/  
Primary Examiner, Art Unit 2833***